THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 20761 OF 1996

DATE: 19-1-2007

Between:

Sri B.N.Sreeram ..... Petitioner

And

1. Vice chairman & Managing Director
Girijan Cooperative Corporation, Hyderabad
And 2 others ..... Respondents

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No. 20761 of 1996

O R D E R:

Questioning the action of the respondent in seeking to

recover amounts from the monthly salary of the petitioner, the present writ petition is filed.

Disciplinary proceedings were instituted against the petitioner and, consequent on the punishment of removal from service imposed on him, the petitioner preferred an appeal. The appellate authority, vide proceedings dated 11.2.1985, modified the order of punishment reverting the petitioner to the post of Senior Assistant. The appellate authority directed that the period of suspension be treated as not on duty i.e, without pay and allowances, 1/3rd of his total emoluments be adjusted to the value of the deficit till the finally concluded deficit amount is fully repaid and that the petitioner should pay the total amount due to the Corporation in lumpsum in case he went on deputation or resigned from the job. Pursuant thereto, the petitioner claims to have paid an amount of Rs.37,709. It is his contention that, even after the said amount was paid, the Corporation continued to effect recoveries deducting Rs.1000/- per month from his monthly salary.

A Counter affidavit is filed on behalf of the respondents wherein it is stated that the amounts sought to be recovered were pursuant to the awards passed by the arbitrator under the A.P. Cooperative Societies Act. The details of the awards are given:

1. A.R.No.186/80-81 for Rs.44,925-01 with interest @ 12.5% from 26.9.1980 + arbitrator costs;
2. A.R.No.271/81-82 for Rs.6,057-70 with interest @ 12.5% per annum from 6.3.1982 + arbitrator costs;
3. A.R.No.15/82-83 for Rs.5000/- with interest @ 12.5% from 28.2.1983 + arbitrator costs.

It is stated that the petitioner is required to pay the principal amount along with interest and, since the petitioner had not

preferred any appeal against the award passed by the Cooperative Sub-Registrar, the awards had attained finality.

Sri Philkhana Ramarao, learned counsel for the petitioner, would submit that the petitioner was not aware of the said proceedings before the arbitrator or the awards passed against him and as such the question of any challenge thereto does not arise. The fact, however, remains, that there is no challenge to the award of the arbitrator in this writ proceedings and, in the absence of any specific challenge thereto, it is not for this court to go into the question as to whether the petitioner was aware of the pendency of proceedings before the arbitrator or of an award being passed against him. The action of the respondents in seeking to recover the amounts from the petitioner, pursuant to the award passed by the arbitrator(Cooperative Sub Registrar) under the A.P. Cooperative Societies Act, cannot be faulted.

The writ petition fails and is accordingly dismissed. Needless to state that this order shall not preclude the petitioner from availing such other remedies as are available to him in law. No costs.

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19-1-2007

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